



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 10

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| In re Application of: | : | |
| Tsutomu Mezawa | : | DECISION |
| Application No. 09/120,117 | : | ON |
| Filed: July 22, 1998 | : | PETITION |
| Attorney Docket No. 108066-08017 | : | |

This is a decision on the petition filed October 3, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

An Office action was mailed on December 19, 2002, but was returned to the Office by the U.S. Postal Service as undelivered. In accordance with MPEP 707.13, the Office action was remailed on April 26, 2002. The remailed Office action was also returned to the Office by the U.S. Postal Service as undelivered. The application was held abandoned for failure to file a proper response to the Office action dated April 26, 2002, and a Notice of Abandonment was mailed on August 30, 2002.

Petitioner asserts that the above-identified Office action dated April 26, 2002, was not received. To support the assertion, petitioner states that the Office action was not received and that a proper notification of change of address was filed on April 18, 2002. A copy of the notification was submitted.

A review of the application file record reveals that there was an irregularity in the mailing of the Office action dated April 26, 2002. Although the originally submitted notification of change of address was received in the Office on April 18, 2002, it was not associated with the application file until after April 26, 2002.¹ Consequently, the Office action dated April 26, 2002, was not mailed to the correct correspondence address.

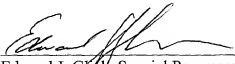
¹The notification of change of address was associated with the application file on May 1, 2002.

Decision on Petition to Withdraw Holding of Abandonment

For the above state reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center 2800 support staff for remailing the Office action dated April 26, 2002. The statutory period for response set therein will be reset to run from the date the Office action is remailed.

Inquiries regarding this decision should be directed to Ed Glick at (703) 308-4858.



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